

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 832 – HB 1038

April 7, 2013

SUMMARY OF ORIGINAL BILL: Classifies attempted first degree murder where the victim suffers serious bodily injury as a Class A felony. Adds subsection to definition of first degree murder stating that attempted first degree murder where the victim suffers serious bodily injury as a Class A felony. Adds attempted first degree murder where the victim suffers serious bodily injury to the list of offenses in Tenn. Code Ann. § 40-35-501(i)(2) for which 100 percent of the sentence imposed must be served less any sentence credits, but no more than 15 percent of the imposed sentence may be reduced by sentence credits.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$135,700/Incarceration*

SUMMARY OF AMENDMENT (006348): Deletes all language after the enacting clause.

Prohibits release eligibility for attempted first degree murder where the victim suffers serious bodily injury until the offender has served 70 percent of the sentence imposed less sentence credits earned, but sentence credits cannot reduce the percent served below 55 percent.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- The bill requires each offender to serve no less than 55 percent of his sentence received for attempted first degree murder where the victim suffers serious bodily injury. The average time served for attempted first degree murder is 13.1 years. The average sentence for attempted first degree murder is 17.68 years.
- The average felon convicted of attempted first degree murder serves 74 percent of the average sentence imposed (13.1 years / 17.68 years).
- There will be no impact from requiring each offender to serve at least 55 percent of the sentence imposed for attempted first degree murder in which the victim suffers serious bodily injury because the average offender already serves more than 55 percent of the

average sentence imposed.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm